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Secretary for
Environmental
Protection

State Water Resources Control Board

Division of Water Rights

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Division of Water Rights: <http://www.waterrights.ca.gov>



Gray Davis
Governor

NOTICE OF PETITION FOR TEMPORARY CHANGE INVOLVING THE TRANSFER OF 13,000 ACRE-FEET OF WATER FROM THE CALIFORNIA DEPARTMENT OF WATER RESOURCES TO DEL PUERTO WATER DISTRICT AND SAN LUIS WATER DISTRICT UNDER PERMIT 16482 (APPLICATION 17512)

Notice is hereby given that on June 21, 2002

Department of Water Resources
c/o Nancy Quan, Chief
Project Water Contracts Branch
P.O. Box 942836
Sacramento, CA 94236-0001

filed with the State Water Resources Control Board (SWRCB) a Petition for Temporary Change under Water Code Section 1725, et seq. If approved, the Del Puerto Water District (DPWD) and the San Luis Water District (SLWD), served by the U.S. Bureau of Reclamation (USBR) Central Valley Project (CVP), would be temporarily added to the authorized place of use under the Department of Water Resources (DWR) permitted Application 17512. Temporary changes under Water Code section 1725 may be effective for a period up to one year.

DESCRIPTION OF THE TRANSFER:

The water proposed for transfer under this petition is part of an exchange (initiated in February 2002) between Kern County Water Agency (KCWA) and DPWD and SLWD. SLWD and SLWD transferred 13,000 acre-feet (af) of CVP water stored in San Luis Reservoir to KCWA between February and April 2002. Since a portion of KCWA is located within the CVP place of use, SWRCB approval was not required for the February transfer. In exchange for the CVP water, KCWA agreed to make available for transfer a like amount of water at a later date. At the request of KCWA, DWR submitted this petition to allow DPWD and SLWD to receive up to 13,000 af of its State Water Project (SWP) water between May 2002 and June 2003. The petition states that 10,000 af of the transfer total is intended for DPWD with the remaining 3,000 af intended for SLWD.

In the absence of this transfer, KCWA would receive the subject 13,000 af of water from DWR for use within its service area or diversion to underground storage.

STATUS OF DWR'S WATER RIGHT:

Permit 16482 was issued to DWR on September 26, 1972, and it authorizes DWR to collect up to 1,100,000 af per annum by storage, to be diverted from the Sacramento and San Joaquin watersheds, and San Luis Creek between January 1 and December 31. The water may be used for irrigation, domestic, municipal, industrial, salinity control, recreation, fish and wildlife enhancement, and to generate incidental power. The subject 13,000 af has either already been stored or will be stored in San Luis Reservoir under provisions of DWR's permits as amended by SWRCB Decision 1641, conditions set forth in the 1995 Bay-Delta water quality objectives, SWRCB Order WR 98-9, and Biological Opinions

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issued by the U.S. Fish and Wildlife Service and the National Marine Fisheries under the Endangered Species Act. Thus, the transfer of up to 13,000 af to DPWD and SLWD should have no effect on any natural streamflow or hydrologic regime. Instantaneous release rates from San Luis Reservoir may increase due to the proposed transfer.

STATUS OF SLWD'S AND DPWD'S PROJECTS:

The service areas of DPWD and SLWD are shown on a map (revision dated 6/16/2002) submitted with the petition. This map is available for viewing on the Division of Water Rights' website at www.waterrights.ca.gov, Water Right Public Notices. Since their anticipated CVP contract allocation is 60%, the proposed transfer would result in DPWD receiving a total of 67% of its CVP allocation and SLWD receiving 62% of its CVP allocation.

SLWD has been identified as a source of agricultural drainage to the San Joaquin River. The petition states that in the absence of this transfer, additional groundwater would be pumped to used to meet the water demands. The petition asserts that groundwater would contain a higher concentration of salts than the surface water available for transfer and would therefore require a higher leaching fraction and thus increased application rates. Thus, the petition concludes that the transfer would result in less agricultural drainage with a lower concentration of salts.

Additionally, the petition states that SLWD has implemented programs to increase irrigation efficiency and reduce drain water leaving the district. These programs include metered deliveries, lined canals and piping of water, assistance to members to increase irrigation efficiency, and groundwater management.

DPWD has not been identified as a source of agricultural drainage to the San Joaquin River. However, the petition states that its members have implemented some of the programs listed above to increase their irrigation efficiency and reduce potential drainage impacts.

COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

Temporary changes involving the transfer of water that was previously stored are exempt from the requirements of the California Environmental Quality Act (CEQA). However, the SWRCB must consider potential impacts to other legal users of the water and to fish, wildlife, or other instream beneficial uses.

SWRCB'S STATUTORY PROVISIONS

Pursuant to Water Code sections 1725, et seq., the SWRCB is authorized to issue temporary change orders, allowing the transfer or exchange of water or water rights after completing an evaluation and finding that the proposed temporary changes:

1. Involves only water that would otherwise have been consumptively used or stored by permittee or licensee;
2. Would not injure any legal user of the water; and
3. Would not unreasonably affect fish, wildlife, or other instream beneficial uses.

Application 17512

If the SWRCB cannot satisfy, in a timely manner, the provisions of Water Code section 1725, et. seq., then the SWRCB may deny the petition or schedule and notice a hearing regarding the proposed transfer or exchange of water.

OPPORTUNITY FOR COMMENTS

Pursuant to the requirements outlined above, the SWRCB is seeking information to assist in the evaluation of the proposed temporary change of water rights under the transfer. Any person may file comments concerning the petition for temporary change. The comments must address the required findings numbered 2. and 3., set forth above. The petitioner has the burden of establishing that the proposed temporary change will not injure any legal user of water, or unreasonably affect fish, wildlife, or instream beneficial uses. If the SWRCB determines that the petitioner has established a prima facie case, the burden of proof then shifts to the party that has filed comments (Water Code section 1727). While such a determination has not been made in this case, commentors should provide sufficient information to support claims of injury or affects on fish, wildlife, or other instream uses.

Comments filed in response to this notice must be received in the office of the SWRCB's Division of Water Rights, at the address listed below by **4:00 p.m. on August 7, 2002**. Additionally, **the response must be accompanied by proof of service of a separate copy of the materials on the petitioner**, at the address listed below. Interested parties are encouraged to file comments by FAX and to notify the following contact persons by telephone of any materials that will be submitted. However, an original copy of all materials must be received for the SWRCB to consider your concerns.

Division of Water Rights
c/o Greg Wilson
P.O. Box 2000
Sacramento, CA 95812-2000
FAX: (916) 341-5400

State Department of Water Resources
c/o Nancy Quan
P.O. Box 942836
Sacramento, CA 94236-0001
FAX: (916) 653-9628

Please address questions about this notice to Greg Wilson at (916) 341-5427. Questions regarding the petitioner should be addressed as follows:

DWR-SWP (petitioner):

Nancy Quan (916) 653-9593
FAX: (916) 653-9628

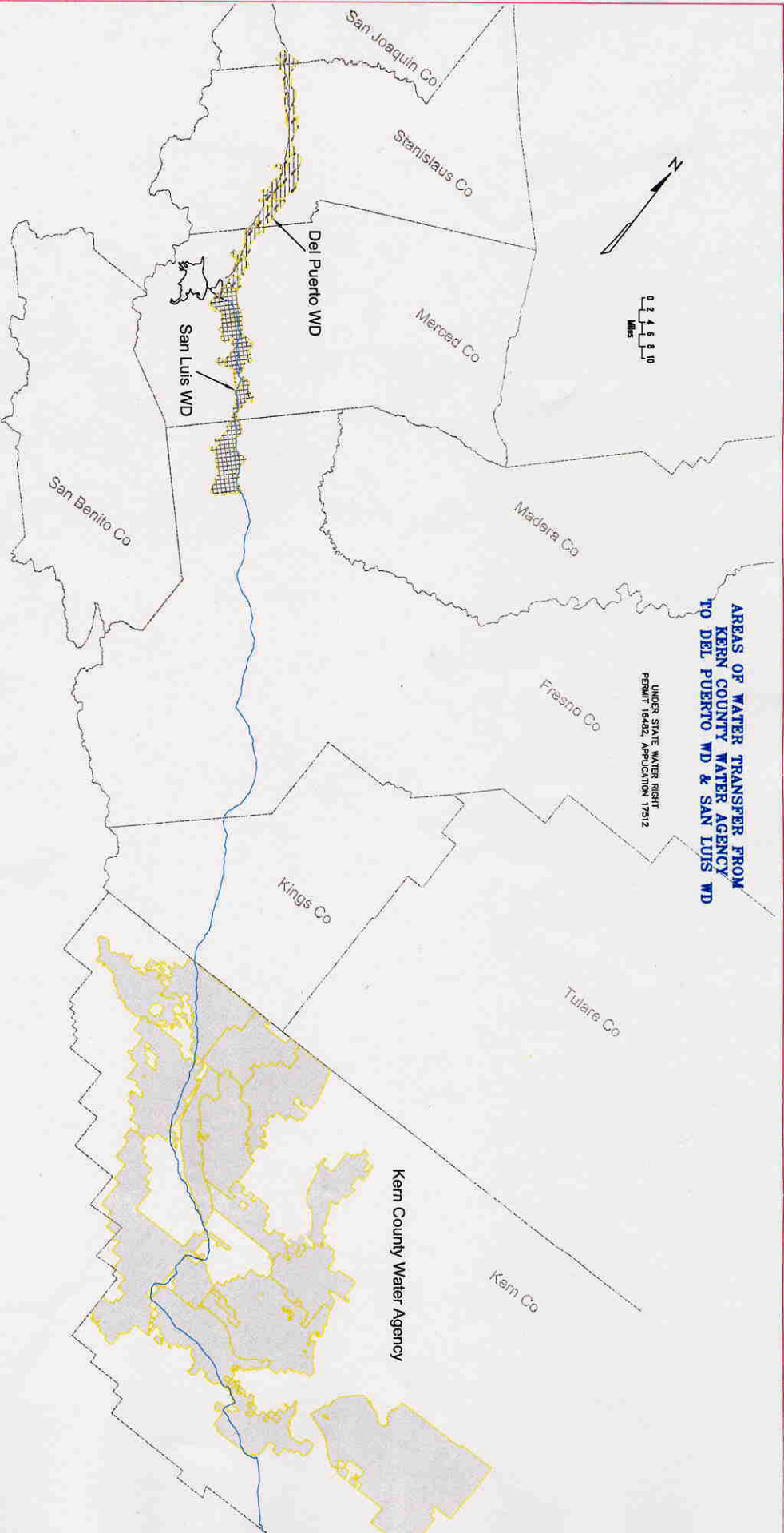
Original Signed by

Edward C. Anton, Chief
Division of Water Rights

Dated: June 27, 2002

**AREAS OF WATER TRANSFER FROM
KERN COUNTY WATER AGENCY
TO DEL PUERTO WD & SAN LUIS WD**

UNDER STATE WATER RIGHT
PERMIT 16482, APPLICATION 17512



I, Nancy Quinn, of Sacramento, California, do hereby certify that the above described areas are the areas shown on the map from data deemed by me to be reliable and that it correctly represents the locations of physical works, place of use and lands to be irrigated described in the accompanying Notice of Position.

JUN 19 2002

Nancy Quinn

